

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NEW YORK LIFE INSURANCE
COMPANY,

Intervenor/Plaintiff,

v.

Case No. 22-cv-813 KG/KRS

PAUL M. ARAGON, JOSEPH E.
FITZPATRICK, III, and DANIEL
FITZPATRICK,

Defendants.

ORDER OF DISTRIBUTION OF BENEFITS

This matter is before the Court *sua sponte* following its Memorandum Opinion and Order, (Doc. 35), filed October 8, 2024. In that Order, the Court gave New York Life Insurance Company (NYLI) 14 days to submit an application for attorneys' fees. As of the date of this Order of Distribution, NYLI has not filed a request with the Court to recover attorneys' fees. Thus, NYLI has waived any claim to reimbursement.

ACCORDINGLY, IT IS SO ORDERED, ADJUDGED, and DECREED that:

- 1) Defendants Joseph E. Fitzpatrick, III and Daniel Fitzpatrick each take one half the balance of the interpled funds; and
- 2) Defendant Paul M. Aragon has no right, title, or interest in the interpled funds.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE